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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly and its contribution to shaping a gender perspective towards the full realization of the Millennium Development Goals

Statement by the Company of the Daughters of Charity of St. Vincent DePaul and Salesian Missions, Inc., non-governmental organizations in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

1. As international non-governmental organizations committed to direct service with those living in poverty and witnessing daily the struggles of those who are most vulnerable and powerless in their societies, we welcome the opportunity to review the implementation of the Beijing Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000) during the fifty-fourth session of the Commission on the Status of Women. We recognize that progress has been made in implementing the Beijing Platform and in advancing the Millennium Development Goals. But we believe that more concrete action must be taken to advance the fundamental human rights of all women and that it must have the protection of law. It is not enough that laws exist to protect the rights of women; the laws must also be enforced. Additionally, we hold that legalized injustice must be stricken from the judicial systems of countries that have prevented women from having equality before the law.

2. We note the work of the General Assembly in advocating for and advancing the legal empowerment of the poor and hold that those efforts, if brought to fruition, will advance the Beijing Platform and assist in the achievement of the Millennium Development Goals. Since those living in poverty are disproportionately women and poverty is more and more feminized, the work of legal empowerment must be hastened to assist women.

3. Informal rules are frequently the only laws that people know, some traditional, others more recent. The system of informal laws and customs, however, often leaves the disempowered vulnerable to corruption, exploitation, bureaucratic interference and indifference. The imposition of laws unfamiliar to the community and its traditions work against community cohesiveness. Additionally, while some customary legal systems are strong in advocating for restorative justice, others can be brutal and discriminatory, often against women.

4. Issues needing to be addressed are set out below.

5. Legal empowerment of those living in poverty begins with ensuring that women have identity and voice. Too often, those living in poverty do not have, or are denied, a recognized identity that corresponds to their civic and economic agency as citizens, asset holders, workers and businesswomen. Ease of access to systems and agencies to record births and obtain legal documents is essential for empowering women and girls. Without allowing those living in poverty to speak and to have a voice, a legal empowerment process cannot exist. We advocate the creation of mechanisms to enable women and girls living in poverty to participate in decision-making that affects their lives. Information and education about basic human and legal rights must be provided, and opportunities to speak and present their opinions and ideas must be made available to the most vulnerable populations.

6. The exclusion that results from poverty was powerfully expressed in a World Bank report in which a woman from Latvia was quoted as saying that poverty means humiliation, the sense of being dependent and being forced to accept rudeness, insults and indifference when we seek help.[1]

[1] World Bank, *World Development Report 2000-2001*.

7. When one lacks opportunities and resources and is treated as undeserving of respect, it diminishes an individual's political, social, cultural and economic freedom. Additionally, as one is anxious about survival, work replaces healthy human relationships, both within families and in communities. It breaks down people's sense of creativity, productivity and self-respect, inhibiting their hope for better lives and dramatically reducing the capacity for human development.[2] Above all, to be poor means to be insignificant.[3]

8. Legal empowerment of the poor leads people from exclusion to inclusion. This leads to important economic, political, social and moral changes in a society because all citizens become stakeholders. Additionally, inclusion helps reduce the stresses created by refugee migrations, underdevelopment, environmental disasters, hunger, disease and conflict. Given our global interdependence, all societies will be aided by each nation guaranteeing the protections of law to its citizens and living up to its responsibilities under it.

9. Women constitute half the world's population but own only 10 per cent of the world's property. A chief concern of legal empowerment is changing existing laws that exclude women from ownership of land. In some instances, this is due to laws that do not allow women to purchase land, and in others because they cannot legally inherit land from their families or land they shared with their husbands. Women often face forcible eviction from their homes and their land (land over which they had customary or other rights) by family members, traditional authorities and/or neighbours.[4]

10. Legal protection for informal work must also be provided. Women are more likely than men to work in the informal economy. In developing countries, excluding those in North Africa, over three in five women performing non-agricultural work are informally employed. In countries where they are allowed to work, women account for 30 to 90 per cent of street vendors and 35 to 80 per cent of home-based workers.[5] Over four fifths of home-based industrial outworkers in the developing world are women, and women predominate in the lowest categories of informal work, typically earning less than men. Because of this, they are not afforded legal protection and are often denied access to greater sums of money to begin or expand their microbusinesses.

11. The underlying causes include the following:

(a) A number of societies and cultures throughout the world have hierarchical and patriarchal power structures that make it difficult to facilitate legal empowerment. Involving those living in poverty in decision-making processes and giving women equal rights can be particularly challenging in these contexts. In some societies, local customs may run contrary to a vision of human rights enshrined in a national constitution, particularly where it comes to the treatment of women and minorities. Similarly, it can be difficult to ensure minimum levels of accountability and transparency within customary structures. However, customs are

[2] United Nations Development Programme, *Human Development Report 1999*.

[3] Gustavo Gutierrez, "Memory and Prophecy", *The Option for the Poor in Christian Theology*, Daniel G. Groody, ed. (Notre Dame, Ind.: University of Notre Dame Press, 2007).

[4] Food and Agriculture Organization of the United Nations, "Women's Right to Land and Natural Resources: some implications for a human-rights based approach", 1999.

[5] International Labour Organization, "Women and men in the informal economy: a statistical picture", 2002.

not rigid and unchanging and can adapt to changing circumstances. It is reasonable to strive for a process in which customary practices evolve in response to social development and human rights principles (see also Beijing Platform for Action, para. 224);

(b) The advancement of women and the achievement of equality between women and men are key issues of human rights and are basic conditions for social justice in all communities. They are the necessary foundation blocks on which to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples. They are essential for achieving the Millennium Development Goals.

Recommendations

12. The strategies embedded in the Beijing Platform for Action need to be implemented and the Millennium Development Goals must be achieved. We believe that legal empowerment will help this to be accomplished. We urge Governments, intergovernmental organizations and civil society to:

- Ensure that everyone has the fundamental right to legal identity and is registered at birth.
- Repeal or modify laws and regulations that are biased against the rights, interests and livelihoods of poor people, especially women. Special emphasis must be placed on reforming inheritance laws to provide that male and female heirs receive equal consideration in land distribution and to prevent the disinheritance of women and girls.
- Create state and civil society organizations that work in the interest of the excluded and protect their legal and human rights.
- Utilize religious communities and indigenous spiritual traditions to transform the moral imperatives of legal empowerment into concrete plans of action for a society.
- Foster and institutionalize access to legal services so that those living in poverty, especially women, will know about laws and be able to take advantage of them.
- Work to ensure systemic change to overcome the exclusion of women by the legal system.